

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:09cv387**

U.S. COMMODITY FUTURES TRADING)
COMMISSION,)

Plaintiff,)

v.)

ORDER

CAPITALSTREET FINANCIAL, LLC &)
SEAN F. MESCALL,)

Defendants, and)

GERALD T. MESCALL &)
GAINCAPITAL, INC.,)

Relief Defendants.)

THIS MATTER is before the Court on a joint motion for order to show cause. (Doc. No. 25). The plaintiff and Receiver move the Court to order defendant Sean Mescall to show cause as to why he should not be held in contempt for violating the Court's September 16, 2009 Order. The Court is aware of a pending state-court criminal matter involving Mescall and has questions as to the effect of this civil case on the criminal matter.

IT IS, THEREFORE, ORDERED that within ten days of this Order the CFTC shall submit a brief on the issue of the Court's authority to require responses from the defendant where such responses might implicate his Fifth Amendment rights in a pending criminal matter.

Signed: March 5, 2010



Robert J. Conrad, Jr.
Chief United States District Judge

